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FORT MOJAVE TELECOMMUNICATIONS, INC. AND SAN CARLOS APACHE TELECOMMUNICATIONS UTILITY, INC. PETITIONS FOR WAIVER OF SECTION 54.403(A) OF THE COMMISSION'S RULES

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: February 26, 1999

Comment Date: March 19, 1999

Reply Comment Date: April 2, 1999

On February 12, 1999 and February 17, 1999, San Carlos Apache Telecommunications Utility, Inc. (San Carlos) and Fort Mojave Telecommunications, Inc. (Fort Mojave), respectively, filed separate petitions requesting waiver of section 54.403(a) of the Commission's rules to eliminate the prerequisite of state commission action, enabling San Carlos and Fort Mojave to receive an additional \$3.50 in federal Lifeline support per Lifeline subscriber.¹ San Carlos and Fort Mojave are certified Eligible Telecommunications Carriers providing basic telecommunications services to Native Americans residing on tribal lands. San Carlos serves in Arizona and Fort Mojave serves in Arizona, California, and Nevada. San Carlos and Fort Mojave state that grant of this waiver will promote the policies underlying the Commission's Lifeline rules, and accordingly, serve the public interest.

Section 54.403(a) of the Commission's rules requires state commission action and state matching support before additional federal Lifeline support of \$3.50 per Lifeline subscriber is made available to Eligible Telecommunications Carriers. According to petitioners, San Carlos and Fort Mojave, however, are subject only to regulation by its tribal authority, which is not a "state commission." Application of section 54.403(a) therefore precludes San Carlos and Fort Mojave from eligibility for additional federal support. San Carlos and Fort Mojave state that this is contrary to the underlying purposes of the Lifeline support program.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on before March 19, 1999, and reply comments on or before April 2, 1999. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998).

¹ See 47 C.F.R. §§ 54.403(a).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to: Sheryl Todd, Common Carrier Bureau, Federal Communications Commission, 2100 M. St, N.W., 8th Floor, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the commenter's name, proceeding (including the lead docket number in this case Docket No. 96-45, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy - Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036.

For further information, contact Mark Nadel, Accounting Policy Division, Common Carrier Bureau at (202) 418-7400, TTY (202) 418-0484, or via e-mail: mnadel@fcc.gov.